

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Juha Pihlaja	CONF. NO.:	7015
SERIAL NO.:	10/089,426	ART UNIT:	2616
FILING DATE:	03/29/2002	EXAMINER:	Haliyur, Venkatesh N.
TITLE:	A RADIO LINK SYSTEM		
ATTORNEY			
DOCKET NO.:	442-010894-US (PAR)		

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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE REVIEW

This request is being filed together with a Notice of Appeal.

Review is requested of the rejection of claims 1-17 over Delprat in view of Lenzo under 35 U.S.C. §103(a). An error is noted in that each element recited by Applicant in the claims is not found in the Examiner's combination of references. The Examiner attempts to equate the "broadcast message" claimed by Applicant with a "multiframe" disclosed by Delprat. However, these two concepts are by definition not the same and the correlation is incorrect. Thus, a *prima facie* case of obviousness is not and cannot be established.

In claim 1, Applicant recites that the “access point” sends a “first broadcast message” and a “second broadcast message.” The “access point” is sending these broadcast messages to the terminals. As described on page 2 of Applicant’s specification, “each terminal has to listen to a broadcast message (BM) at regular intervals, once in a constant length frame.”

There is no disclosure in Delprat related to an “access point” sending a “first broadcast message” and a “second broadcast message” as claimed by Applicant. Rather, Delprat is concerned with the “exchange” of signals between the base station and the mobile station (Col. 2, lines 56-57). The “signals exchanged” are multiframe that include a “control frame” (Col. 2, lines 57-60). Delprat discloses that the control frames can be used for either sending or listening (Col. 6, lines 40-41). In a send mode the control frame can be used to send the uplink signalling associated with the call (Col. 6, lines 42-44). The “control frames” can be “listening frames” that will cause the “sending mobile station” to interrupt sending and switch to “receive” mode (Col. 2, lines 60-64).

Significantly, the control frames of Delprat can also carry out operations from a group that includes:

listening to down link signalling associated with the call;

detecting and/or measuring the signals broadcast in adjacent cells, in the case of a cellular network;

sending upward signalling associated with the call;

receiving information directly from another mobile station.

(Col. 3, lines 58-67).

This is not the same as the “broadcast message” described and claimed by Applicant. The “multiframe” of Delprat, referred to by the Examiner, relate to “signals exchanged

by the station." (Abstract, lines 7-10). These are not "broadcast messages" that are listened to by terminals at regular intervals. (pg. 2, lines 4-5). In fact, there is no disclosure or reference whatsoever in Delprat of a "broadcast" message sent by an access point to a terminal. The Examiner merely unjustifiably equates the signalling exchange between stations of Delprat with the transmission of "broadcast messages" from an access point as claimed by Applicant. It is error to merely equate unrelated elements. There is a very specific purpose and function behind a "broadcast message", none of which is described by Delprat.

Col. 3, lines 10-26, referred to by the Examiner as disclosing a "broadcast message" only states that mobile stations are divided into groups. Mobile stations of the same group have common uplink and down link frequencies. Only one mobile station of a group can send at one time. A change from receive mode to send mode in a mobile station takes time. Thus, the frame start time and the multiframe start time of the "two transmission directions" are offset. There is no suggestion here that an "access point" is sending a "broadcast message" as claimed by Applicant.

What Delprat is doing is offsetting the start time in the uplink direction relative to the start time in the downlink direction so that the mobile station will have sufficient time to change from the "receive mode" to "send mode". Delprat wants to reduce the time shift between the time a base station receives a frame and retransmits its content in another frame. (Col. 3, lines 28-30). This is not the same as an "access point" sending a first broadcast message and a second broadcast message as claimed. In Delprat there is no single access point sending a first and a second broadcast message as claimed by Applicant.

Thus, Delprat does not disclose or suggest at least this feature recited by Applicant.

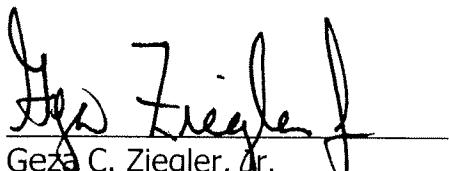
Combining Delprat with Lenzo does not overcome the above-noted deficiency. See the arguments made in the response of 23 October 2007, pages 6-7, incorporated herein

by reference. Neither Delprat nor Lenzo discloses an access point sending a first broadcast message and a second broadcast message.

Lenzo does not even use the term "broadcast" or "broadcast message" anywhere in the document. Thus, combining Delprat with Lenzo cannot result in what is claimed by Applicant and there is no motivation to make the proposed combination. Thus, in the absence of the disclosure of an element in the claims, a *prima facie* case of obviousness is not established. The rejection on this basis is erroneous.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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25 November 2007

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